

*DOVER CODE*

**DOGS**

**CHAPTER 89**

[Revised in its entirety 09-13-95 by Ord. No. 13-95]

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**[HISTORY: Adopted by the City Council of the City of Dover: Art. I, 12-14-77\*, Art. II, 12-14-77.\*\* Section 89-12 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. ; \*\*\*Amended in its entirety by the City Council 09-20-95 by Ord. No. 13-95; Other amendments noted where applicable.]**

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\*Editor's Note: Provisions of this Article are derived from Ch. 54 of the former Code, adopted 12-14-77.

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**ARTICLE I**  
**Licensing and Regulation**

**89-1. Definitions.**

For the purpose of this Article, the following definition of terms shall apply:

**ACCOMPANIED** - The owner or custodian must be able to see and hear the dog, or have reasonable knowledge of where the dog is, and be able to recall the dog on command.

**AT LARGE** - Off the premises of the owner or keeper, unless accompanied by the owner. At no time, shall any dog be permitted on the private property of another person, without permission of said person.

**DOG** - Both male and female dogs.

**OWNER** - Shall mean any person keeping, harboring or having charge or control of, or permitting any dog to habitually be or remain on, or be lodged or fed within such person's house, yard or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs owned by others.

**89-2. License required.**

Every owner or keeper of a dog three (3) months old or over shall annually, on or before April 30th, license their dog in the office of the City Clerk. The City Clerk's office shall furnish the owner or keeper with a dog tag which shall contain the name of the City, year of issue and registration number. The said tag shall be attached and worn around the animal collar.

**89-3. Fees.** [Amended 05-17-2000 by Ord. No. 06-2000]

- A. The fee for every license for a year or portion of a year shall be:
1. \$7.50 for dogs at least 4 months old but less than 7 months old which are not spayed or neutered and \$7.50 for a neutered male or spayed female dog; provided, however, that the owner or keeper of such spayed female dog or neutered male dog shall furnish a certificate from the person performing the operation to the satisfaction of the City Clerk.
  2. \$10.00 for any unneutered male or unspayed female dog.

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- B. Notwithstanding paragraph A, the fee for every license for a year or a portion of a year shall be \$3.00 for a dog of either sex if the owner is 65 years of age or older; provided, however, that, if such owner wishes to license more than one dog, the fee for any additional license shall be as provided in Paragraph A.
- C. Fees for dogs licensed in a commercial kennel shall be based on the numbers of dogs licenses, as in RSA 466:6 for group licenses. For purposes of this paragraph, "commercial kennel" means the establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of his gross annual income from the sale or transfer of dogs.

#### **89-4. Group Licenses.**

- A. The owner or keeper of 5 or more dogs shall annually by April 30th pay the required fee, provide proof of rabies inoculation for every dog they own and obtain a license authorizing him/her to keep the dogs upon the premises described in the license, or off the premises while under his control. Such owner or keeper shall not be required to obtain a "commercial kennel" license under 89-3(C) of this Chapter .
- B. The City Clerk shall not refuse to issue a group license to an owner or keeper who has complied with the requirements of this Section.
- C. The fee shall be \$20.00 per year with a late fee of \$1.00 per month assessed for any group not licensed by June 1<sup>st</sup>. [Amended 10-20-1999 by Ord. 12-99]
- D. No fee shall be required for dogs which are under the age of 3 months.
- E. The owner or keeper shall receive numbered license tags for each dog included under his group license.

#### **89-5. Replacement of lost license tag.**

Should the pendant giving the registered number of any dog licensed as by law required become lost or stolen, the City Clerk shall issue a new pendant (metal tag) for such dog, keeping a record of the change of number, and notify the Chief of Police of such change in a timely manner. [Amended 03-20-2002 by Ord. No. 14-02]

**89-6. Penalty for Unlicensed Dogs.**

- A. The City Clerk shall annually, between June 1 and June 20, prepare a list of owners who have not renewed their dog licenses by May 31 for the City Manager. The City Manager shall, within 20 days from June 20, direct the local law enforcement agency to issue civil forfeiture notices for each unlicensed dog or seize any unlicensed dog and board it in a holding facility for a period of 7 days. of a violation.
- B. The local law enforcement agency shall personally deliver civil forfeitures to each owner of an unlicensed dog. The owner receives the original notice and the law enforcement officer delivers the carbon copy to the city clerk. The forfeiture notice indicates that the owner of the dog has 96 hours to license their dog(s) or a summons to District Court will be issued by the Police Department. There is a \$25.00 forfeiture fee. The dog owner is also liable for the license fee and any monthly late fine. When the dog owner has come in and paid the fine, the Clerk should indicate the date paid and inform the law enforcement officer. It would be the responsibility of the law enforcement officer to issue a summons to District Court.
- C. One the dog owner has been arraigned in District Court, the dog owner shall have 96 hours after said scheduled arraignment to license the dog and pay applicable late fees to the City Clerk's Office. [Added 03-20-2002 by Ord. No. 14-02]
- D. Any dog owner who does not license the dog within the 96 hours after the first schedule court appearance, will be issued a second summons to District and shall pay a fine of up to two hundred fifty dollars (\$250.00) [Added 03-20-2002 by Ord. No. 14-02]

**89-7. Seizure of unlicensed dogs.**

- A. Any person may and every police officer shall seize any dog not properly licensed as required by Chapter 466 of the New Hampshire Revised Statutes Annotated, as amended, and cause it to be transported to the Cocheco Valley Humane Society, authorized by the city to accept such dogs. The Humane Society shall keep said dog at the expense of the city for a period of time not to exceed seven (7) days. If, after such time, the dog remains unclaimed, then, and in such event, the Humane Society shall dispose of said dog at the expense of said city.
- B. Any owner of a dog, so seized, may reclaim said dog during the 10-day period provided therefore, by furnishing proof of proper license, payment of a penalty of ten dollars (\$10.00), and payment of a twenty-five (\$25.) dollar pick up and transportation service charge, to be paid to the Police Department.

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- C. Any unlicensed dog so seized and harbored in the manner herein prescribed and unclaimed by its owner may be claimed by any person who will license said dog and reimburse the city for all costs incurred by the city including the pickup and transportation charge of twenty-five dollars (\$25.), which is payable to the Police Department, prior to taking the dog.
- D. The city shall pay for the harboring and disposal of unlicensed dogs exclusively from the receipts obtained from the sale of dog licenses.

## **ARTICLE II NUISANCE REGULATIONS**

### **89-8. Running at large.**

A person who owns or keeps a dog within the City shall not permit or allow such dog to be at large in the City, unless:

- A. The dog is restrained by being kept on a leash not exceeding 8 feet in length;  
or
- B. The dog is accompanied by the owner or custodian and under voice control.

### **89-9. Impoundment.**

It shall be the duty of every police officer or other law enforcement officer or other such person as may be designated by the Dog Officer to apprehend any dog running at large contrary to the provisions of 89-8 and to impound such dog at the Coheco Valley Humane Society.

### **89-10. Notice to owner; redemption.**

If such dog shall be impounded, the owner thereof, shall be notified forthwith. The owner of any dog so impounded may reclaim such dog upon payment of all costs and charges incurred by the City of Dover for the impounding and maintenance of such dog, including a pickup and transportation fee of twenty-five dollars (\$25.). Any dog so impounded which is not licensed and whose owner is unknown after a seven-day period may be destroyed. Any dog which appears to be suffering from rabies or affected with hydrophobia or other infections or dangerous disease, shall not be released, but may be forthwith destroyed.

### **89-11. Barking Dogs.**

A person who owns or keeps a dog in the city is hereby required to restrain such dog from extended and continuous barking or like noises that create a public disturbance or is deemed to be a continuous nuisance to abutters or neighbors for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, Violations of this section shall be subject to penalties as prescribed under Section 89-13.

**89-12. Removal of Excrement.**

It shall be unlawful for the owner or person in control of any dog to allow that dog to appear in any public place or upon the property of any other person, unless said owner or person in control has in his or her possession a mechanical or other device for the removal of excrement; nor shall said owner or person in control, fail to expeditiously remove any such excrement deposited by said dog in any such place. This ordinance shall not apply to a blind person while walking his or her guide dog. Violations of this Section shall be subject to penalties as prescribed under section 89-13.

**89-13. Violations and penalties.**

Any owner found violating any provisions of this Article II shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.) for a first offense and, upon a second or subsequent conviction within twelve (12) months of a violation of this Article, a fine of not less than fifty dollars (\$50.) nor more than one hundred dollars (\$100.).

**ARTICLE III  
MISCELLANEOUS REGULATIONS**

**89-14. Restraint required.**

Any person upon learning that a dog owned by him or kept in his custody has bitten any person shall forthwith tie up and restrain said dog from running at large for a period of ten (10) days and shall, as soon as possible, notify the Dog Officer or the Police Department.

**89-15. Examination of dog.**

It shall be unlawful for any person to kill or dispose of a dog owned by him or kept in his custody which has bitten a person until he has notified the Dog Officer, the Police Department or the Health Officer and until these officials have had an opportunity to examine the dog.

**89-16. Violations and penalties.**

- A. Any person convicted of a violation of this Article III, shall be fine not more than one hundred dollars (\$100.).
- B. Each day a dog is not restrained in accordance with 89-14, shall constitute a separate violation.